

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

IN RE:

KENT D. BUSHNELL,

Debtor.

CASE NO. BK11-82735

8:12-CV-67

CHAPTER 13

KENT D. BUSHNELL,

Plaintiff,

vs.

BANK OF THE WEST, et al.,

Defendants.

ADV. PROCEEDING NO. A11-8107

MEMORANDUM AND ORDER

This matter is before the Court on the Report and Recommendation (12-cv-67 filing [1](#)) of the United States Bankruptcy Judge. In reviewing a Bankruptcy Judge's proposed findings and conclusions in a non-core proceeding, the Court conducts a de novo review "of any portion of the bankruptcy judge's findings of fact or conclusions of law to which any specific written objection has been made...." [Fed. Rule Bkrtcy. Proc. 9033\(d\)](#); *see also* [28 U.S.C. § 157\(c\)\(1\)](#).

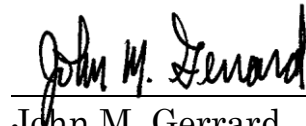
No objections to the Bankruptcy Judge's Report and Recommendation have been filed. *See* [Fed. Rule Bkrtcy. Proc. 9033\(b\)](#). The failure to file an objection eliminates not only the need for de novo review, but *any* review by the Court. [Leonard v. Dorsey & Whitney LLP, 553 F.3d 609 \(8th Cir. 2009\)](#). Accordingly, the Court will adopt the Bankruptcy Judge's Report and Recommendation and order the plaintiff's complaint to be dismissed without opportunity to amend, pursuant to [Fed. Rule Bkrtcy. Proc. 7012\(b\)](#) and [Fed. R. Civ. P. 12\(b\)\(6\)](#).

IT IS ORDERED:

1. The findings and conclusions contained in the Bankruptcy Judge's Report and Recommendation (12-cv-67 filing [1](#)) are adopted.
2. For the reasons stated in the Report and Recommendation, the motions to dismiss filed by defendants JPMorgan Chase Bank and Chase Home Finance, Bank of the West, and Bank of Nebraska (A11-8107 filings [7](#), [16](#), and [18](#)) are granted.
3. For the reasons stated in the Report and Recommendation, plaintiff's complaint is dismissed with prejudice and without opportunity to amend.
4. A separate judgment will be entered.

Dated this 9th day of March, 2012.

BY THE COURT:

A handwritten signature in black ink, appearing to read "John M. Gerrard", is written over a horizontal line.

John M. Gerrard  
United States District Judge